

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 96002

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-104-95

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

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Governor's Signature

Nevada State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: Petition 96002 permanently amends NAC 486A.030 by making the definition of alternative fuels consistent with NRS 486A.030. The permanent amendment adds language which changes the definitions of reformulated gasoline and low sulphur diesel to comply with the regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established by the Clean Air Act Amendments of 1990 (Pub. L. No. 101-549, Nov. 15, 1990).

Authority citation other than 233B: NRS 486A.150

Notice date: August 31, September 6 and September 12, 1995

Hearing date: October 3, 1995

Date of Adoption of Agency: October 3, 1995

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 96002
LCB FILE R-104-95**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code (NAC) 486A.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 96002 (R-104-95) was noticed three (3) times: August 31, 1995, September 6, 1995 and September 12, 1995 in the Las Vegas Review and Reno Gazette-Journal newspapers. No public comment was received. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670, or writing in to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

2. The number persons who:

- | | | |
|-----|--|----|
| (a) | Attended each hearing; | 23 |
| (b) | Testified at each hearing: | 14 |
| (c) | Submitted to the agency written comments: Five comments were received regarding this petition and six comments were received overall for the hearing. | |

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. Comments were received from the Clark County Comprehensive Planning Department, the City of Las Vegas, the Nevada Department of Business and Industry and Southwest Gas Corp. The comments focused in the needed to sustain and expand the existing alternative fuels program by the addition of emission standards for vehicles using alternative fuels and for the standards to be tied to credits allowed to meeting vehicle fleet acquisition requirements. All parties supported the petition. See petition 95003 for a corresponding discussion. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing in to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted at the State Environmental Commission hearing on October 3, 1995 with changes proposed by the agency.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
 - (b) Both immediate and long-term effects.
- a. There will be no short or long term adverse economic effect to business. Additionally no long or short term economic benefit is expected.
 - b. The public should not experience any long or short term economic adverse effect. In addition there would not be any long or short term economic benefit.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations which the proposed amendments duplicate. This regulation relies exclusively on state statutory authority and no underlying federal authority exist to implement or mandate these provisions.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

As stated in question 7, this regulation is not based on federal regulations, therefore this question is not applicable to this regulation.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for a new fee, and hence since no fee is involved there is not a total amount expected to be collected or used.

**ADOPTED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R104-95

EXPLANATION: Matter in *italics* is new; matter in brackets [] is material to be omitted. SEC amended language is underscored.

Authority: NRS 486A.150

Section 1. NAC 486A.030 is hereby amended to read as follows:

486A.030 "Clean alternative fuel" means:

1. Any fuel usable by a clean alternative fuel vehicle which complies with the standards and requirements applicable to such vehicle established by the California Air Resources Board, as adopted by reference in NAC 486A.150;
2. Methanol, ethanol or other alcohol, or any mixture thereof containing 85 percent or more by volume of such alcohol with gasoline or other fuels;
3. Reformulated gasoline which **[exceeds the standards for gasoline commonly available to the general public in this state;]** *complies with the regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established in the Clean Air Act Amendments of 1990 (Pub. L. No. 101-549, Nov. 15, 1990).;*
4. Low sulfur diesel fuel which complies with the regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established in the Clean Air Act Amendments of 1990 (Pub. L. No. 101-549, Nov. 15, 1990).;
5. Natural gas;
6. Liquefied petroleum gas;
7. Hydrogen; and
8. Liquid fuels derived from coal or other source of power, including electricity.

END OF LCB File No. R104-95